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November 26, 2012

**VIA ECF**

The Honorable Nina Gershon  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

***Re:    United States v. Walters, et al., 11 CR 683 (NG)***

Your Honor:

I write on behalf of the defendants Lee Hymowitz and Michael Freeman to seek a one week adjournment in our deadline to file motions in this case.

On October 10, 2012, the Court set a briefing schedule as follows:

The defendants shall serve their motions by November 30, 2012. The government shall serve its opposition by December 21, 2012. A reply will be filed and served no later than January 7, 2013 at 10 a.m.

(ECF #248).

The Court also advised counsel to attempt to resolve as many of the issues underlying the motions as possible, informally.

On October 24, 2012, I wrote the government setting forth our position on several of these issues. Our subsequent efforts to negotiate a resolution were hampered by the hurricane and its aftermath. On November 26, 2012, we wrote the government indicating that we did not believe an informal resolution was possible. Thus, on the present schedule we have less than a week to file motions.

The government consents to our application on condition that their obligation to file an answer also be adjourned for one week.

Accordingly, we would propose the following schedule on consent:

- Defendants' motion due on December 7, 2012
- Government's opposition due on December 28, 2012;
- Defendants' reply, if any, due on January 14, 2013.

Most respectfully yours,

/S/

Maurice H. Sercarz

MHS:vmp

cc: AUSA Christina Posa (via ECF)

Defense Counsel (via ECF)